



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

August 7, 2019

Ms. Anna Laird  
Oregon Department of Justice  
100 SW Market St.,  
Portland, OR 97201

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

RE: Freedom of Information Act Request - EPA-HQ-2019-007081

Dear Ms. Laird,

In response to your Freedom of Information Act (FOIA) request for data on CERCLA settlements involving EPA's Orphan Share Policy and the allocation of Superfund trust funds, please find attached a Microsoft Excel file with a list of CERCLA settlements for Remedial Design/Remedial Action that were identified to have included orphan-share compensation as a component of the settlement terms.

Please note the attached lists of settlements is based on historical data from the EPA's now retired CERCLIS data system. Unfortunately, the data is only current through 2013 because EPA no longer tracks orphan-share funding using its new system, the Superfund Enterprise Management System, nor is such information nationally tracked in any way. Thus, the attached list is not inclusive of all settlements that have included orphan-share compensation because neither my office nor any other office at EPA Headquarters has this information.

Based on the wording of your request, I feel it is necessary to clarify a possible misunderstanding about how EPA applies the Orphan-Share Policy. EPA does not expend Superfund Trust or appropriated funds to potentially responsible parties in orphan-share settlements. Instead, under EPA's Orphan-Share policy, compensation is actually "provided" in the form of a compromise of the government's response costs at a Superfund site. In other words, we deduct the amount of appropriate orphan-share compensation from the total past or expected future oversight response costs for which an eligible party is liable. I hope this explanation helps with how the EPA implements this policy.

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the EPA's National FOIA Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2310A), Washington, DC 20460 or through FOIAonline if you are an account holder. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1200 Pennsylvania Avenue, N.W., Room 5315, Washington, DC 20460. Your appeal must be in writing, and it must be received no later



Recycled/Recyclable  
Printed with Soy/Canola Ink on paper that  
contains at least 75% recycled fiber

than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal."

Additionally, you may seek assistance from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Governmental Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (301) 837-1996 or (877) 684-6448; fax, (301) 837-0348.

Should you have any questions concerning this matter, please feel free to contact Antoinette Powell Dickson, [powell-dickson.antoINETte@epa.gov](mailto:powell-dickson.antoINETte@epa.gov) or at (202) 564-5136.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kenneth Patterson", followed by a long, horizontal, wavy line.

Kenneth Patterson  
Director  
Regional Support Division  
Office of Site Remediation Enforcement